

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1927

House Bill No. 1938

by deleting Section 11 and by substituting instead the following as a new Section 11:

In order to carry out its functions, duties and responsibilities maintained under the provisions of this act, the public service commission shall retain and have the authority to exercise any and all of its powers and duties existing under Title 65 prior to enactment of this act, including, but not limited to, the power to subpoena, the power to take evidence, and the power to examine. Upon the termination of the public service commission, the Tennessee regulatory authority is expressly granted the same powers and duties as set forth above for the public service commission in order to carry out the authority's responsibilities established by the provisions of this act.

AND FURTHER AMEND by deleting Section 15 in its entirety and by substituting instead the following as a new Section 15:

Section 15. Tennessee Code Annotated, Section 65-4-105(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) In addition to the power conferred by this chapter on the commission or the Tennessee regulatory authority, such entities shall possess with reference to all public utilities within its jurisdiction all the other powers conferred on them with reference to railroads regulated by the department of transportation or transportation companies regulated by the department of safety as provided by chapters 3 and 5 of this title.

AND FURTHER AMEND by deleting Section 16 in its entirety.

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AND FURTHER AMEND in Section 21 by inserting the language "Title 65," between the language "Annotated," and "Chapter".

AND FURTHER AMEND by deleting Section 22 in its entirety.

AND FURTHER AMEND in Section 31 by adding the following language at the end of the subsection (f) of the amendatory language: "The authority for administering this subsection shall be assumed by the department of commerce and insurance on July 1, 1997, with respect to insurance and bonds".

AND FURTHER AMEND in Section 51(a) by deleting the word "mush" and by substituting instead the word "must".

AND FURTHER AMEND Section 51(c) by deleting the language "to Tennessee regulatory authority employees may" and by substituting instead the language "to the Tennessee regulatory authority personnel transactions may".

AND FURTHER AMEND in Section 136(a) by inserting the language "102," between the language "99," and "105,".

AND FURTHER AMEND in Section 136 in subsection (a) by deleting the language "39" and by inserting the language "39," in subsection (b) between the language "37," and "40".

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ (a) Tennessee Code Annotated, Title 65, Chapter 4, is amended by adding the following as a new section to be appropriately designated:

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(a) If any common carrier or public service company, directly or indirectly, by any special rate, rebate, drawback, or other device, charges, demands, collects, or receives from any person a greater or less compensation for any service within this state than it charges, demands, collects, or receives from any other person for service of a like kind under substantially like circumstances and conditions, and if such common carrier or such other public service company makes any preference between the parties aforementioned such common carrier or other public service company commits unjust discrimination, which is prohibited and declared unlawful.

(b) Any such corporation which charges, collects, or receives more than a just and reasonable rate of toll or compensation for service in this state commits extortion, which is prohibited and declared unlawful.

(c) It is unlawful for any such corporation to make or give an undue or unreasonable preference or advantage to any particular person or locality, or any particular description of traffic or service, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic or service to any undue or unreasonable prejudice or disadvantage.

(d) Any such corporation that shall be guilty of extortion or unjust discrimination, or of giving to any person or locality, or to any description of traffic an undue or unreasonable preference or advantage, shall be fined in any sum

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not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000).

(e) An action may be brought by any person against any person or corporation, owning or operating such public service company in Tennessee, for the violation of this section, before any court having jurisdiction to try the same.

(b) Notwithstanding any other provision of this act to the contrary, this section shall take effect on becoming a law, the public welfare requiring it.